

**MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
DECEMBER 14, 2006**

The Lake County Board of Adjustment met Thursday, December 14, 2006 in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

Board Members Present:

Howard (Bob) Fox, Jr.
Henry Wolsmann, Vice Chairman
Mary Link Bennett
Donald Schreiner, Chairman
Carl Ludecke

Board Members Not Present:

Darren Eslinger
Ruth Gray

Staff Present:

Terrie Diesbourg, Director, Customer Services Division
Anita Greiner, Chief Planner, Customer Services Division
Anna Ely, Public Hearing Coordinator, Customer Services Division
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division
Melanie Marsh, Deputy County Attorney
LeChea Parson, Assistant County Attorney

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for each case as shown on the monitor and that the meeting had been noticed pursuant to the Sunshine Statute.

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Minutes

MOTION by Mary Link Bennett, SECONDED by Henry Wolsmann to approve the November 9, 2006 Board of Adjustment Public Hearing minutes, as submitted.

FOR: Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger, Gray

MOTION CARRIED: 5-0

Chairman Schreiner stated that all letters, petitions, photographs, and other materials presented at this meeting by applicants and those in support or opposition must be submitted to staff prior to proceeding to the next case. He added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter.

Chairman Schreiner explained the procedure for hearing the cases on the consent agenda.

Withdrawals

CASE NO.:	BOA#135-06-2	AGENDA NO.:	1
OWNERS/APPLICANTS:	Jose Luis Garcia, Olga Garcia, Carlos Gamboa and Maday Gamboa		
CASE NO.:	BOA#136-06-3	AGENDA NO.:	2
OWNER/APPLICANT:	Patrick D. Hill, Sr.		
CASE NO.:	BOA#143-06-2	AGENDA NO.:	9
OWNER/APPLICANT:	Happs Redwing Restaurant		
CASE NO.:	BOA#146-06-4	AGENDA NO.:	12
OWNER/APPLICANT:	Elizabeth Foster, Trustee		

MOTION by Henry Wolsmann, SECONDED by Mary Link Bennett to accept the withdrawal of BOA#135-06-2, BOA#136-06-3, BOA#143-06-2, and BOA#146-06-4.

FOR: Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger, Gray

MOTION CARRIED: 5-0

Continuances

CASE NO.: BOA#147-06-2 AGENDA NO.: 13

OWNERS: Darren and Margaret Eslinger
APPLICANT: Leslie Campione, P.A.

MOTION by Mary Link Bennett, SECONDED by Henry Wolsmann to continue BOA#147-06-2 until the February 8, 2007 Board of Adjustment public hearing.

There was no one in the audience who had an objection to the continuance.

FOR: Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger, Gray

MOTION CARRIED: 5-0

Discussion of Consent Agenda

Chairman Schreiner said that Agenda No. 5 on the consent agenda , BOA#139-06-5, will be handled separately.

There was no one on the Board nor anyone in the audience who had an objection to the following cases remaining on the consent agenda: BOA#137-06-2, BOA#141-06-4, and BOA#144-06-5.

BOARD OF ADJUSTMENT**DECEMBER 14, 2006**

CASE NO.:	BOA#137-06-2	AGENDA NO.:	3
OWNERS:	Donnie R. and Sherry A. Rife		
APPLICANT:	Donnie Rife		
CASE NO.:	BOA#141-06-4	AGENDA NO.:	7
OWNER:	Jan C. Heflinger		
APPLICANT:	Paul Meli		
CASE NO.:	BOA#144-06-5	AGENDA NO.:	10
OWNER:	Grand Island Holdings, Inc.		
APPLICANT:	Gary J. Cooney, Richey & Cooney		

MOTION by Mary Link Bennett, SECONDED by Carl Ludecke to take the following actions on the above consent agenda:

BOA#137-06-2	Approval
BOA#141-06-4	Approval with conditions
BOA#144-06-5	Approval

FOR: **Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke**

AGAINST: **None**

NOT PRESENT: **Eslinger, Gray**

MOTION CARRIED: **5-0**

CASE NO.:	BOA#139-06-5	AGENDA NO.:	5
OWNER:	Robert O. Grantham, Jr., Shirley L. Grantham, Robert O. Grantham and Terina Grantham		
APPLICANT:	Shirley Grantham		

Mary Link Bennett declared a conflict of interest.

There was no one on the Board nor anyone in the audience who had a problem with this case remaining on the consent agenda with Ms. Bennett abstaining from voting due to a conflict of interest.

MOTION by Carl Ludecke, SECONDED by Henry Wolsmann to take the following action on the above consent agenda:

	BOA#139-06-5	Approval
FOR:	Fox, Jr., Wolsmann, Schreiner, Ludecke	
AGAINST:	None	
CONFLICT OF INTEREST:	Bennett	
NOT PRESENT:	Eslinger, Gray	
MOTION CARRIED:	4-0	

CASE NO.:

BOA#138-06-1

AGENDA NO.:

4

OWNERS/APPLICANTS:

Lee R. and Tracie Malone

Anita Greiner, Chief Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor and submitted a site plan as County Exhibit A. She noted the letters of support from neighbors that were included in the book. She pointed out that the shed does not meet the required setback from the jurisdictional wetland line or the average setback. She added that the shed can be located within the flood zone area, but it must be elevated 18 inches above base flood. Staff felt there is ample area to place this shed on the property and not require these variances. In response to Henry Wolsmann, Ms. Greiner said the shed can meet the 18-inch elevation requirement.

Lee R. Malone felt principles of fairness are being violated. He had in his possession the original land plat dated January 29, 1957 when this subdivision was established. He said all the lots in this subdivision are very small, with some of the lots being only 60 feet by 90 feet. His lot is 80 feet by 134 feet; but because of the location of his house, he was limited as to where he could place this building. He acknowledged that he built the shed without a permit as he did not realize he needed one. The shed is a double-walled vinyl building. It matches the color of his house. This is the only location on his property on which the shed can be placed due to the septic tank and the position of his home, which is only about 47 feet from the water. The shed is located behind his boathouse and his neighbor's boathouse, providing protection from the wind and out of the sight of both of his neighbors. It is the ideal location. He submitted three photographs of suggested options of where to place the shed as Applicant Exhibit A. He pointed out how these locations for the shed would block views and make the shed "stick out like a sore thumb." He also referred to the letters from his neighbors. There are no objections from anyone in the subdivision. The previous owner of this property had an open carport where tools and equipment were stored quite visibly. This shed has allowed him to clean up the property. By design of these small lots, there is not one single house in the subdivision that meets these requirements. Some of the homes and sheds in the subdivision are only 12 and 14 feet from the water. He said the options that have been presented to him are unacceptable. He submitted water calculations and six photos of the containment area that he has designed and built as Applicant Exhibit B. The roofline of this building is approximately four feet by eight feet. He did not foresee a problem as far as runoff. The building was built in April of this year. Ms. Greiner showed the photographs on the monitor. As far as the environmental impact, Mr. Malone said this building is one of the safest and cleanest buildings possible. The containment area is approximately 25 feet long by five feet wide. It has four feet of sand in depth and has a six-inch concrete lip to hold the water in place. He felt he has gone out of his way to try to meet all the requirements. If he has to put all the items in the shed back into the carport, in the event of a storm, they will be missiles flying around. In addition, the items will once again be in the view of the neighbors. This shed meets all the Florida building regulations.

There was no one else in the audience who wished to speak on the case.

MOTION by Carl Ludecke, SECONDED by Henry Wolsmann to deny the variance request in BOA#138-06-1 and to require that the shed be five feet from the property line and an additional ten feet six inches back from the water to meet the 37 foot six inch average setback.

FOR: Fox, Jr., Wolsmann, Schreiner, Ludecke

AGAINST: Bennett

NOT PRESENT: Eslinger, Gray

MOTION CARRIED: 4-1

CASE NO.:

BOA#140-06-2

AGENDA NO.:

6

OWNER/APPLICANT:

Larry A. Grimes

Anita Greiner, Chief Planner, presented the case and staff recommendation of denial. She showed the aerial and subdivision plat from the book on the monitor.

Larry Grimes said he was approached by Denise with Lake County Right-of-Way in 2003 who explained to him that Lake County would like to purchase his entire ten-acre parcel for a trailhead. He was agreeable to that. A week later Denise called back and said that the County had decided on a different location for the trailhead, but the County still wanted the entire frontage. He decided that a six-lot subdivision with no street may be possible. The lots would be over 100 feet wide. He added a contingency in the contract that the County would give him three cuts so he could have three common driveways instead of six driveways. The County agreed to this. Mr. Grimes then obtained six water connections from the City of Clermont. In 2004 he asked for a rezoning from the County from Agriculture zoning to R-1 zoning, which at that time had a requirement of about 85 feet in width and 10,000 square feet of land. In the middle of this, he got a call to go to the courthouse. Once there, he said he was told that the County would like to purchase either two acres of his property or two of the lots for a fire station. Since he planned to develop the property into single-family home sites, he did not feel the residents would want a fire station next to their homes. Therefore, he told the County that he would want to sell all of his land rather than just a portion. He never heard back from the County.

Mr. Grimes stated that his engineer, Arthur Nix, took this six-lot concept to the Planning staff. Upon review, staff said they could only approve one driveway due to the slope of the hill on CR 455 in front of his property because it would be hazardous to enter and exit two of the driveways. However, they said that if Mr. Grimes would change the concept by putting in a street at the north end of the property, go half of the depth and turn south and end in a cul-de-sac, it may be possible to have 12 lots instead of six. Mr. Nix followed staff's suggestion and resubmitted a plan for 12 lots. Staff reviewed it and said that because the property was within the Lake Apopka Basin, they would have to sacrifice two lots in order to make the retention area larger. This was done, and that is the concept that Ms. Greiner showed at the beginning of the case.

John Kruse, then Senior Planner with Lake County, had suggested Mr. Grimes meet with the City of Clermont to try to work out their requirement of one net acre per lot. They met but failed to reach an agreement. Clermont's suggestion was to rezone to R-4. He decided to try that. Meanwhile, Mr. Kruse left the County and Jennifer DuBois, Senior Planner, took over. She said she could set up a meeting with the County Attorney and City Manager of Clermont to try to resolve this situation. Ms. DuBois then resigned and Rick Hartenstein, Senior Planner, suggested that Mr. Grimes withdraw the rezoning request as staff could not support R-4 zoning in that area; Mr. Grimes withdrew his request. He then went back to Clermont to try again, but their suggestion was to go back to the County and apply for a variance to the size and width of the lots. If that variance is approved, the City of Clermont said to come back to them to discuss an amendment from six lots to ten lots for the water connection. He noted that nearby property on the east side of CR 455 has been rezoned to commercial. When he rezoned from Agriculture to R-1, the rules changed in the middle of the game; he did not feel that is fair. Regarding the last line on Page 2 of the staff report, Mr. Grimes felt it should read "applications received" not "subdivisions approved."

In response to Carl Ludecke, Mr. Grimes said the Lake County trail that he had spoken of earlier has already been paved. He closed on the deal.

When Mr. Ludecke asked staff if what Mr. Grimes has stated is true, Ms. Greiner said she was not part of any of the conversations he spoke of. When the property was rezoned, the application he submitted showed a request for six lots; and he was approved for six lots. Mr. Ludecke was informed by Mr. Grimes that he was approached regarding the future rails-to-trails issue before he received the six-lot approval. That is what started him considering a subdivision. Mr. Grimes said he had 630 to 660 feet of frontage.

CASE NO.:	BOA#140-06-2	AGENDA NO.:	6
OWNER/APPLICANT:	Larry A. Grimes	PAGE NO.:	2

Ms. Greiner submitted as County Exhibit A and showed on the monitor a copy of the minutes of the June 29, 2004 Board of County Commissioners (BCC) public hearing in which a motion was made to rezone the property from Agriculture zoning to R-1 zoning for the creation of a six-lot subdivision.

Arthur Nix of Montverde Engineering said this property is very close to SR 50 and not very far from the Plaza Colina project. He reiterated that his first submittal was for six lots and three shared driveways. However, Public Works did not like that so he came back with a frontage road. Public Works did not like this either, explaining that it must be constructed per the County Code; it must have a cul-de-sac. Mr. Nix said that would be more expensive than a driveway. Staff suggested increasing it to 12 lots, which is what they did since there were more expenses with putting in a road with a retention pond and swales in addition to the asphalt and bringing the water line down the proposed driveway. When Mr. Ludecke pointed out that the frontage on CR 455 is flat starting at Lot 4 through Lot 7, Mr. Nix said that is true; but there is a big drop off to the north and south. Public Works was concerned about sight distance on both ends. In addition, there is an issue with meeting the stopping distance criteria. Mr. Ludecke felt that adding six additional lots would not offset the cost incurred especially with the loss of land for road rights-of-way and the retention pond. The problems Public Works had with this project prevented them from having shared driveways on Lots 5/6, 7/8, and 9/10. This would also cause them to cut across the Trail in those areas. With what they are proposing now, it would only be necessary to cross the Trail once. Mr. Nix added that the subject property extended out to the center of CR 455 before Mr. Grimes dedicated almost an acre of land to the County; however, he was paid for it.

In response to Mary Link Bennett, Ms. Greiner said this property was originally approved for six lots when it was rezoned. The City of Clermont has submitted a letter opposing this variance. Neither the County nor the City of Clermont has a problem with the six lots. When Ms. Bennett asked Mr. Ludecke how many lots would be needed to make this feasible, Mr. Ludecke said at least eight lots, perhaps keeping Lots 1, 2, and 3 as they are because there is over 100 feet of frontage and making Lots 4 through 10 into five lots with each of those lots being at least 100 feet wide. He could support that. Mr. Grimes felt the street costs for that proposal would "eat up" the whole project.

Donald Schreiner suggested reconfiguring the retention pond so the street could be shortened; this may help offset the cost. Mr. Grimes said they had a plan that included a retention pond on each side at the south end. He submitted this plan as Applicant Exhibit A, noting that it did not work out.

Mr. Ludecke was informed by Mr. Grimes that no retention pond was required with the six-lot subdivision. They have St. Johns River Water Management District's approval and have done all the borings and engineering for the retention area, which was a great expense. Mr. Grimes said he did not have a problem with tabling this so the staff and Board could study it further.

Joseph Desir, whose property is behind the subject property to the southwest, had a problem with the retention pond as his property is lower than the subject property. Mr. Schreiner said the retention pond would be lower than the existing topography right now so it would buffer some of the water that is running off now. Mr. Desir said he gets flooded out sometimes. In addition, this plan would block the existing easement. The easement has been there for 63 years. Mr. Schreiner pointed out a 20-foot drainage and access easement along the south boundary line. That easement would go through Lot 10.

If the Board and Mr. Grimes are not opposed to it, Ms. Greiner suggested postponing this case until the next meeting so staff can meet with Public Works to discuss the three shared driveways for the six lots that were proposed originally.

Regarding Mr. Desir's concerns, Mr. Grimes said he had planned that Mr. Desir would come in on a paved road, come down to the cul-de-sac, and then he would give him an easement from there down and across to his property. As far as the retention pond, that will catch some runoff. Mr. Desir's house flooded in 2004.

CASE NO.: BOA#140-06-2 **AGENDA NO.:** 6

OWNER/APPLICANT: Larry A. Grimes **PAGE NO.:** 3

during a hurricane, and there was no retention pond there at the time. He said he gave an easement to Florida Power years ago so that house could be built.

MOTION by Carl Ludecke, SECONDED by Mary Link Bennett to continue BOA#140-06-2 until the January 11, 2007 Board of Adjustment public hearing.

Wayne Vigor, resident of Lot 12 in Arrowhead Estates, which is adjacent to the subject property, said he was concerned about the level of the property and the water problems he has seen over there in the six years he has lived in the area. His other concern was the dangerous access point to the property. He has no problem with the proposed road coming in at the top of the hill and going down into a cul-de-sac. Safety wise, he felt that would work well. The only problem he had was the density. He would prefer the originally proposed six houses rather than the ten. The more pavement there is, the less the runoff can sink into the ground. If Mr. Grimes is allowed to proceed with the access he has proposed, it would eliminate that dangerous driveway he has to deal with now. To use that access, Mr. Schreiner said Public Works would have to approve the three driveways. Mr. Vigor felt the driveway that Mr. Desir has been using for years should be eliminated completely and instead access at the bottom of the cul-de-sac. He felt one access at the top would be the best answer rather than three driveways. Mr. Ludecke said it would be difficult to get six lots with only one access at the top.

Victor DeCambre said he lives in Clermont. His friend bought his house about two months ago. He has visited his friend quite often since he bought the house. If he owned the house, he would want the access to stay the same as it has been for 60 years because it is straight to the main road. As it exists right now, Mr. Schreiner said there is an easement there that must continue to be observed.

W. M. Hilliard said he lives on Arrowhead Trail, which is adjacent to the subject property and across from Mr. Desir's property. His property is considerably higher than the subject property. He said he has spent a considerable amount of money building a porch and other features so he can view the farm. The farm is lower than his property and lower than the subject property. There is no question that a drainfield on the property would cause some problems. He was surprised the developer did not meet with Mr. Desir to discuss the driveway access. He could see the safety problem; but Mr. Desir has a straight direct access, which is what he wants. Mr. Hilliard said he was there to support Mr. Desir. However, he sympathized with the many issues Mr. Grimes has encountered and felt he deserved some consideration.

FOR: Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger, Gray

MOTION CARRIED: 5-0

CASE NO.: BOA#142-06-2

AGENDA NO.: 8

OWNERS: Jon C. and Darlene J. Osborn and Charles Ballou

APPLICANT: Leslie Campione, P.A.

Anita Greiner, Chief Planner, explained that this property was originally two ten-acre parcels; a minor lot split rather than a lot line deviation was done to reconfigure the two ten-acre lots. Staff is in the process of revoking that to bring it back to what would be discussed today, as shown on the plan submitted as County Exhibit A. Once the lot split is voided in the public records, the lots will become two ten-acre parcels as they were originally, Tracts 23 and 26 of Groveland Farms.

Ms. Greiner proceeded to present the case and staff recommendation of approval. She showed the aerial from the staff report, explaining how the lots would be split into five-acre parcels. She noted the one letter of opposition and the three letters of support with conditions.

In response to Carl Ludecke, Ms. Greiner said the lot split would have nothing to do with the airport mentioned in the letter of opposition.

Leslie Campione was present to represent the case. She said this property is immediately adjacent to the Osborn airfield. The Osborns purchased the airfield from Mr. and Mrs. Huntington, who have submitted an objection to this request. However, that is an unrelated issue to this variance request. She submitted a picture as Applicant Exhibit A. She pointed out the hangar owned by the Huntingtons, who have also developed several five-acre tracts along the runway. Those tracts are basically a "fly-in situation." She submitted the aerial from the staff report as Applicant Exhibit B with the four proposed lots and location of the runway shown on it. The owners want to develop the four tracts as part of the fly-in community concept. Since this property is adjacent to a runway, it would probably not be desirable to people who do not enjoy watching planes land and take off or own a plane themselves. She said there is an easement that runs along the subject property that provides for no structures in the approach zone. Therefore, they are proposing that each one of the lots have a home in the front area and a hangar in the back. They are also proposing that no hangars be constructed prior to a primary structure being placed on the parcel. In addition, they do not want the hangars to be used for aircraft that are not owned and titled by the owners of the tracts. These are restrictions her clients want to impose themselves because they do not want someone to be able to build a hangar and lease it out.

There was a concern raised by an adjacent property owner regarding limiting the hangars to one aircraft. Ms. Campione said they do not want to do that as there may be situations where a resident wants more than one aircraft or additional space in the hangar. With the restriction that any aircraft in the hangar must be titled in the same name as the owner of the property, this should eliminate the concern that the aircraft would be used for commercial use. They want to limit the aircraft to personal use only.

Another issue raised by adjoining property owners who use the easement was that they wanted to ensure that construction traffic from the construction of the homes would not use the easement and cause it to get into a state of disrepair. She said they would be able to access these lots from Empire Church Road so the houses can be built without utilizing the easement.

The last concern of the residents was the improvement of the road because two more lots than currently exist would be adding traffic to the road. The owners have agreed that after the second lot is sold, they would pave with asphalt or concrete, whichever material is least expensive at that time, a 12-foot road to the end of their property. That is the same width as the road that is being used now. When Henry Wolsmann asked who would maintain the easement, Ms. Campione said Osborn Airfield maintains the easement. Donald Schreiner confirmed with Ms. Campione that the easement is not part of the existing runway. Ms. Campione added that it was self imposed as an approach area, but it cannot be used as a runway. The aircraft in the hangars would have the right to taxi out on it, but no structures could be on it. Mary Link Bennett confirmed with Ms. Campione that each of the lots would have access to the airstrip.

CASE NO.: BOA#142-06-2

AGENDA NO.: 8

OWNERS: Jon C. and Darlene J. Osborn and Charles Ballou

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APPLICANT: Leslie Campione, P.A.

In response to Mr. Schreiner regarding the centering of the hangars on each of the lots, Jon Osborn said he had not considered the layout of the homes or the hangars at this time. Since they have to maintain that portion of the runway and there are lights down there that come on at night, they want to be able to mow the entire area. It is a safety factor as well so they don't want any fences built along the edge of that. As far as the setback to the hangar, he did not know the requirements; but he did not want to tell someone they must have their hangar in the center of the property when it may be better for them to build the hangars back-to-back along the property lines. He was not sure it would benefit the property owner to put the hangar in the center of the property. When Mr. Ludecke asked about the requirement, Ms. Greiner said Agriculture zoning requires a 25-foot side setback. Mr. Ludecke was informed by Ms. Campione that the lots would be 330 feet wide. Mr. Ludecke suggested a 50-foot side setback so the hangars would be at least 100 feet apart. Mr. Osborn said that more than one hangar on the same lot must be 100 feet apart to meet the Fire Code unless the hangars have a sprinkler system installed. He did not know the requirement for hangars on two separate lots. In response to Mr. Ludecke regarding the length of the runway, Mr. Osborn said that from the southernmost point of the property, the runway goes approximately 2800 feet to the south. It is all usable. If the 1300 feet is added, there is a total safety zone from end to end of approximately 3700 feet so it is a very safe grass strip. They want to maintain this as a country airstrip and do not plan to pave it.

MOTION by Carl Ludecke, SECONDED by Mary Link Bennett to approve BOA#142-06-2 with the following conditions:

1. After the second lot is sold, a 12-foot road shall be paved with asphalt or concrete, whichever material is least expensive at that time, to the end of their property.
2. Construction traffic must use Empire Church Road rather than the existing easement.
3. All aircraft in the hangar must be titled in the same name as the owner of the property

FOR: Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger, Gray

MOTION CARRIED: 5-0

CASE NO.: BOA#145-06-1**AGENDA NO.: 11****OWNER: Elizabeth Foster, Trustee**
APPLICANT: Homes in Partnership, Inc.

Anita Greiner, Chief Planner, presented the case and staff recommendation of approval with conditions. She showed the aerial and site plan from the staff report on the monitor. She submitted a letter from Aqua Utilities Florida stating that they would provide water to this site as County Exhibit A and a map of the area as County Exhibit B.

Bonita McCoy with Homes in Partnership was present to represent the case. She agreed with staff's presentation. They plan to bring in hard clay for Howe Street. The homes to be built will be concrete block, three bedroom, two bath with a two-car garage. She felt these homes will be an improvement to the area. In response to Henry Wolsmann, Ms. McCoy said the price of a home would be about \$149,000, but the buyer would probably get about \$30,000 of subsidies through down payment assistance and other subsidies. Mary Link Bennett was informed that the total square footage of the structure would be about 2000 square feet with the living area about 1200 square feet.

When Donald Schreiner asked about Holly Street, Ms. McCoy said that street is further away and runs down the side of the property owned by the writer of the letter of opposition. She said there is another parcel next to the subject property that extends over to Holly Street. Ms. Greiner said access to the subject property is from Layton Street, Pierce Avenue, and Howe Street.

There was no one else in the audience who wished to discuss this case.

MOTION by Mary Link Bennett, SECONDED by Henry Wolsmann to approve BOA#145-06-1 with the following conditions:

- 1. Howe Street must be cleared a minimum of 20 feet in width with a vertical clearance of 13.5 feet; it must be constructed of material that creates a hard base and allows safe and easy access of emergency vehicles; and it must be inspected by a Fire Inspector from the Lake County Building Division prior to the final development order being recorded for the minor lot split.**
- 2. The parcels must receive water service through a central water system.**
- 3. The owner must supply recorded deeds, which indicate she has the rights to utilize Pierce Avenue and Howe Street as ingress/egress to the subject parcel. Such recorded deeds must be submitted with the application for the minor lot split.**

FOR: Fox, Jr., Wolsmann, Bennett, Schreiner, Ludecke**AGAINST: None****NOT PRESENT: Eslinger, Gray****MOTION CARRIED: 5-0**

Adjournment

There being no further business, the meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Donald Schreiner
Chairman